

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID HUDSON,

Plaintiff,

Case No. 10-13494

v.

Hon. John Corbett O'Meara

WELLINGTON INDUSTRIES, INC.

Defendant.

ORDER OF PARTIAL DISMISSAL

On September 1, 2010, Plaintiff filed a complaint alleging the following causes of action: Count I, violation of the Americans with Disabilities Act ("ADA"); Count II, violation of the Michigan Persons with Disabilities Civil Rights Act; Count III, violation of M.C.L. 418.301(11); Count IV, retaliation under state law. The parties are not diverse.

Although alleged violations of the ADA are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over the state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II-IV of the complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: October 1, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 1, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager